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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JAMES D. WILKS,)

9 Plaintiff,)

10 v.)

11 KING COUNTY, *et al.*,)

12 Defendants.)
13

CASE NO. C07-1504-MJP

ORDER RE: DEFENDANTS'
PENDING DISPOSITIVE MOTIONS

14 The Court, having reviewed Plaintiff's complaint, the City Defendants' motion to dismiss,
15 Defendant Wilks' motion for summary judgment and dismissal, the Report and Recommendation of
16 the Honorable James P. Donohue, United States Magistrate Judge, and the remaining record, enters
17 the following ORDER:

18 (1) The Court adopts the Report and Recommendation.

19 (2) The City Defendants' motion to dismiss for failure to prosecute (Dkt. No. 26) is
20 DENIED. The City defendants' motion for summary judgment (*id.*) is GRANTED as
21 to Plaintiff's claim that Defendants O'Cleary and Lang violated his Fourth Amendment
22 rights when they detained him on August 26, 2007, and as to all claims asserted against
23 Defendant Fox. Plaintiff's complaint is DISMISSED with prejudice as to each of those
24 claims.

25 ORDER RE: DEFENDANTS'
26 PENDING DISPOSITIVE MOTIONS
PAGE - 1

1 (3) Defendant Wilks' motion to dismiss for failure to exhaust administrative remedies (Dkt.
2 No. 32) is GRANTED. Plaintiff's complaint is DISMISSED without prejudice as to all
3 claims asserted against Defendant Wilks.

4 (4) This matter is re-referred to Magistrate Judge Donohue under the Court's direction to
5 issue an Order to Show Cause to Plaintiff why the remaining claims in this matter
6 should not be dismissed for failure to prosecute.

7 (5) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
8 Defendants, and to the Honorable James P. Donohue.

9 DATED this _24th day of _February_, 2009.

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12 Marsha J. Pechman
13 U.S. District Judge
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